

JANUARY 10, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HARRIET HAMPTON,)
)
Plaintiff,)
)
vs.) Civil Action No.
)
ALLIED INTERSTATE, INC.,)
)
Defendant.)

**JUDGE KENDALL
MAGISTRATE JUDGE DENLOW**

COMPLAINT

NOW COMES the Plaintiff, HARRIET HAMPTON, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, ALLIED INTERSTATE, INC., and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the “FDCPA”), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Harriet Hampton, (“Plaintiff”), is an individual who was at all relevant times residing in the City of Zion, State of Illinois.

4. At all relevant times herein, Defendant, Allied Interstate, Inc., (“Defendant”) acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Direct Loan Servicing Center.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Ohio.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. ALLIED INTERSTATE, INC.

6. In October of 2007, Plaintiff began receiving telephone calls from Defendant attempting to collect a debt allegedly owed to Direct Loan Servicing Center.

7. In November of 2007, Defendant began contacting Plaintiff at her place of employment in an effort to collect the alleged debt.

8. Plaintiff explained the debt was consolidated with others and paid off, and requested Defendant no longer contact her at work as she was not permitted to receive personal telephone calls during business hours.

9. Despite being told Plaintiff was not permitted to receive personal telephone calls, Defendant continued to contact Plaintiff at her place of employment.

10. On November 5, 2007, Defendant contacted Plaintiff's place of employment and spoke with the finance manager and advised of their intent to garnish Plaintiff's wages.

11. Defendant also left a message on Plaintiff's voice mail and said that it needed to talk to Plaintiff about the garnishment.

12. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Stated that the consumer owes any such debt when communicating with any person other than the consumer in violation of 15 U.S.C. § 1692b(2);
- b. Communicated with the consumer in connection with the collection of any debt at the consumer's place of employment if the debt collector knows or has

reason to know that the consumer's employer prohibits the consumer from receiving such communication in violation of 15 U.S.C. § 1692c(a)(3);

- c. Falsely represented the character, amount or legal status of any debt in violation of 15 U.S.C. § 1692e(2)(A); and
- d. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning the consumer in violation of 15 U.S.C. § 1692e(10).

13. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, HARRIET HAMPTON, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY *****

Respectfully Submitted,
HARRIET HAMPTON

By: s/Larry P. Smith
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD.
Attorneys for Plaintiff
205 North Michigan Avenue
40TH Floor
Chicago, Illinois 60601
Ph (312) 222-9028
Fax (312) 602-3911